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**MEMO ENDORSED**

via ECF

January 20, 2019

Hon. Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: **USA v. Derrick Atkins; 10 CR 391-05 (CM)**

Dear McMahon:

As the Court will recall, I was the attorney assigned under the CJA Act to represent Derrick Atkins in 2016 and 2017 in proceedings involving an application to modify his conditions of Supervised release and a subsequent violation proceeding. These proceedings related to Mr. Atkins's medical problems, marijuana use, drug treatment and drug testing issues.

The previous violation proceeding was resolved on March 17, 2017, with Mr. Atkins being restored to supervised release with his term extended for 1 additional year.

In the last several months I have been in touch with US Probation Jeff Steimel and my client concerning his supervision. Mr. Atkins has continued to struggle with chronic back pain for which he has sought appropriate medical treatment. He does not wish to treat this condition with opiate medications because of the severe side effects and risk of addiction. With Officer Steimel's consent Mr. Atkins applied for and was issued a New York State Department of Health Medical Marijuana Program card, a copy of which is attached.

On January 9, 2019 I received an e-mail from Officer Steimel stating that he would have no objection to my office submitting a letter to the Court on Mr. Atkins's behalf requesting permission for Mr. Atkins to use medical marijuana to treat his ongoing pain as an alternative to opiate medications. I am making this letter application to modify the probation conditions to permit Mr. Atkins to use medical marijuana with the consent of probation.

I am further requesting that the Court reassign me to represent Mr. Atkins under the CJA Act nunc pro tunc for services rendered since November 30, 2018.

USDC SDNY  
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*1/22/2019*  
*Jeff Steimel*  
*law probator*  
*use 1 marijuana*  
*purpose - fully*  
*I can't an*  
*this - know if I*  
*think I let medical*  
*marijuana*  
*she passed*  
*thing for*  
*pain*  
*(and I*  
*support it &).*  
*I would*  
*authorize this*  
*if I could*  
*But I, a federal judge, am*  
*constrained by the federal*  
*law bars it*

Respectfully submitted,

/S/ Joseph A. Vita

Joseph A. Vita

cc: via ECF AUSA Michael Maimin  
via e-mail USPO Steimel